



STATE OF  
COLORADO

Girardi - DNR, Chris <chris.girardi@state.co.us>

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## King Pit M-1987-012, reply to Corrective Action Notice

1 message

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**Katie Todt** <katie@lewicki.biz>

Fri, Jan 24, 2025 at 8:27 PM

To: "Girardi - DNR, Chris" <chris.girardi@state.co.us>

Cc: Paul Bottini <paul@southwayco.com>, Ben Miller <ben@lewicki.biz>

Good evening, Chris:

On behalf of the Southway Construction Company, Inc., attached please find Lewicki and Associates' response to your December 31, 2024 Notice of Outstanding Corrective Actions at the King Pit. I apologize for getting this to you after hours and look forward to your feedback next week. Have a great weekend.

Attached: King Pit Corrective Action Request Response 250124.pdf

Cheers,

Katie Todt

Senior Consultant

Lewicki and Associates, PLLC

(314) 704-4505



**King Pit Corrective Action Request Response 250124.pdf**

758K

January 24, 2025

Chris Girardi  
Environmental Protection Specialist Intern  
Colorado Department of Reclamation, Mining and Safety  
Environmental Protection Specialist Intern  
1313 Sherman Street, Room 215, Denver, CO 80203  
(720) 793-3041  
Delivered via Email

**RE: Response to Notice of Outstanding Corrective Actions, King Pit, Permit No, M-1987-012,  
dated December 31, 2024**

Mr. Girardi:

On behalf of the Southway Constriction Company, Inc. ("Southway") please allow the following information to serve as adequate response to your December 31, 2024 dated Notice of Outstanding Correction Actions at the King Pit. This notice is associated with the Division's September 5, 2024 periodic inspection of the site.

**Signs and Markers**

The Division noted that the mine identification sign was missing from the site entrance. Southway has replaced the sign and notes that it's presence will be confirmed during future internal inspections to mitigate losses due to high winds known to frequent the San Luis Valley. Please see the photo below as proof.



**Figure 1.** King Pit site sign. Photo captured January 23, 2025.

### **Acid and Toxic Materials**

The small fuel spill at the King Pit has been cured – see associated photos. Contaminated soils were removed with mobile equipment and placed in the site’s dumpster that is periodically disposed of at a licensed disposal facility capable of accepting hydrocarbons. All soils plus additional clean soil surrounding the spill margin is included in the clean-up volume of 3 CY. The clean-up area was graded with mobile equipment and is still in the active pit area at the King Pit so no final reclamation actions were pursued at this time. Once the site’s roll-off dumpster is emptied – tentatively scheduled for the last week of January 2025 – a receipt will be submitted to the Division validating final appropriate disposal.



**Figure 2.** Drums and soil disposed of and contained in the King Pit sitewide dumpster. Note: contaminated soils were added after photo capture. Photo captured January 23, 2025.





**Figure 3.** Spill area graded. Photo captured January 23, 2025.

### **Mine Plan**

Two items pertaining to the site's mine plan were noted in the Division's September 2024 inspection – highwall length and sediment control. Rather than request a technical revision to the mine plan, Southway would like the opportunity to further remediate both items and remain within the bounds of the current Board approved mine plan. Both items were preliminarily addressed by Southway in recent months; however, freezing conditions at the site have limited adequate earthwork opportunities. Southway is committed to curing both Division topics and can do so over the next ~130 days period and as the ground thaws and becomes more workable.

Southway is requesting that the Division allow an extension to cure both earth working items for 126 days or through May 30, 2025. This duration will allow the soils at the King Pit to thaw and become workable to develop a solution to the observed erosion features and to knock-down the current highwall to remain within the permitted length of 300-feet of active mining highwall.

Thank you for your consideration and we look forward to receiving the Division's response to this reply.

Regards,

A handwritten signature in black ink, appearing to read "Katie Todt". The signature is fluid and cursive, with the first name "Katie" and last name "Todt" clearly distinguishable.

Katie Todt  
Senior Consultant  
Lewicki & Associates, PLLC  
(303) 346-5196  
katie@lewicki.biz

EC: Paul Bottini, Southway Construction; Ben Miller, Lewicki and Associates